

**CITY OF
MOUNT DORA, FLORIDA**



December 14, 2023

**CODE COMPLIANCE BOARD
MINUTES**

The City of Mount Dora held a Code Compliance Special Magistrate Hearing on Thursday, December 14, 2023 at 10:04 AM in the Council Chamber at 510 N. Baker Street, Mount Dora, Florida.

SPECIAL MAGISTRATE

David R. Bear, Esq.

CITY STAFF PRESENT

Drew Smith Esq.; Merry Lovern, Executive Asst. to the City Manager; Catherine Hutcheson, Clerk; Whitney Scott, Administrative Coordinator; John Abner, Deputy Building Official; Vince Sanderfeld, Planning & Zoning Director; Michele Janiszewski, Senior Planner; Ryan Winkler, Senior Planner; Mark Decosta, Public Works Manager.

SWEARING IN

City attorney Mr. Drew Smith, Esq. swore in city staff and defendants at 10:12 a.m.

HEARINGS: TREE REMOVAL PERMIT APPEALS

1. Mr. Mark Roesch Vs. The City of Mount Dora
8696 Bridgeport Bay Circle
Tree Removal Permit Appeal

Mr. Roesch submitted photographic evidence to support his claim of why the tree needs to be removed.

Mr. Roesch has fear of storm damage occurring to property due to the trees location.

The city's Public Works Manager, Mr. Decosta, denied the tree permit citing the tree was in good health. Mr. Sanderfeld gave testimony in support of the decision.

Special Magistrate, Mr. Bear, having heard testimony, accepted evidence and being otherwise fully advised in the premises hereof, found in favor of the City's decision to deny the tree removal permit application.

HEARINGS: NEW CASES

1. 2023-0025 City of Mount Dora v. Mount Dora Investors LLC

1515 Lincoln Avenue

Sec. 10-1, Florida Building Code Section 105.1 Building Permit Required

Mr. Abner gave testimony for the issuance of the Stop Work Order.

City Attorney, Mr. Smith asked if the city would like to give more time to the defendant to come into compliance. The city agreed.

90 days given to the respondent to come into compliance.

Special Magistrate, Mr. Bear, having heard testimony, accepted evidence and otherwise fully advised in the premises hereof finds as a matter of fact that the respondents was properly noticed of the subject proceedings and is found to have violated the above code.

The respondent is ordered to bring the above property into compliance by applying for and obtaining the proper permits no later than 8:00am on the 13th day of March, 2024. Failure to comply will result in a civil penalty in the amount of \$100.00 a day for each and every-day thereafter that the violation remains.

2. 2023-0028 City of Mount Dora v. James L. Duncan and Luvenia Duncan

703 Lincoln Avenue

Sec. 10-1, Florida Building Code Section 105.1 Building Permit Required

Mr. Abner gave testimony for the issuance of the Stop Work Order.

A request to continue the case to the next magistrate hearing on February 8, 2024 by Mr. Smith.

Request accepted by Special Magistrate, Mr. Bear.

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3. 2023-0165 City of Mount Dora v. MDPTS Real Estate LLC

2060 N. Donnelly Street

Sec. 10-1, Florida Building Code Section 105.1 Building Permit Required

Mr. Abner gave testimony for the issuance of the Stop Work Order.

Mr. Smith requested more information on the sign in question.

Mr. Sanderfeld gave testimony on why the sign was not in compliance with City codes.

The tenant of the building gave testimony and submitted photographic evidence. There was confusion on what exactly the Stop Work Order was for.

Mr. Abner cleared up the confusion stating the Stop Work Order is only for the monument sign.

The respondent was given 90 days to come into compliance.

Special Magistrate, Mr. Bear, having heard testimony, accepted evidence and otherwise fully advised in the premises hereof finds as a matter of fact that the respondents was properly noticed of the subject proceedings and is found to have violated the above code.

The respondent is ordered to bring the above property into compliance by applying for and obtaining the proper permits no later than 8:00am on the 13th day of March, 2024. Failure to comply will result in a civil penalty in the amount of \$100.00 a day for each and every-day thereafter that the violation remains.

4. 2023-0268 City of Mount Dora v. Valerie I. Brown

1403 N. Tremain Street

Sec. 10-1, Florida Building Code Section 105.1 Building Permit Required

Respondent came into compliance on December 13, 2024

5. 2023-0275 City of Mount Dora v. Karen A. Linton et al.

1704 N. Orange Street

Sec. 10-1, Florida Building Code Section 105.1 Building Permit Required

Mr. Abner gave testimony for the issuance of the Stop Work Order.

The respondent gave testimony, explaining difficulties with contractors.

Respondent submitted photographic evidence to support that the work was done prior to them owning the home.

Respondents given 90 days to come into compliance.

Special Magistrate, Mr. Bear, having heard testimony, accepted evidence and otherwise fully advised in the premises hereof finds as a matter of fact that the respondents was properly noticed of the subject proceedings and is found to have violated the above code.

The respondent is ordered to bring the above property into compliance by applying for and obtaining the proper permits no later than 8:00am on the 13th day of March, 2024. Failure to comply will result in a civil penalty in the amount of \$100.00 a day for each and every-day thereafter that the violation remains.

6. 2023-0276 City of Mount Dora v. Angelo B. White and Theresa White

1794 Unser Street

Sec. 10-1, Florida Building Code Section 105.1 Building Permit Required

Mr. Abner gave testimony for the issuance of the Stop Work Order.

The respondent/ owners gave testimony.

Ms. Janiszewski gave testimony on the planning and zoning process.

Respondents given 90 days to come into compliance.

Special Magistrate, Mr. Bear, having heard testimony, accepted evidence and otherwise fully advised in the premises hereof finds as a matter of fact that the respondents was properly noticed of the subject proceedings and is found to have violated the above code.

The respondent is ordered to bring the above property into compliance by applying for and obtaining the proper permits no later than 8:00am on the 13th day of March, 2024. Failure to comply will result in a civil penalty in the amount of \$100.00 a day for each and every-day thereafter that the violation remains.

ADMINISTRATIVE BUSINESS

1. February 8, 2024, 10:00 AM Code Compliance Special Magistrate Hearing

2. April 11, 2024, 10:00 AM Code Compliance Special Magistrate Hearing
TENTATIVE

ADJOURNMENT

MOTION by Special Magistrate, David Bear, to adjourn the Code Compliance Special Magistrate Hearing at 12:19p.m.